

15A-1-101. Titles.

- (1) This title is known as the "State Construction and Fire Codes Act."
- (2) This chapter is known as "General Chapter."

Enacted by Chapter 14, 2011 General Session

15A-1-102. Definitions.

As used in this title:

- (1) "Board" means the Utah Fire Prevention Board created in Section 53-7-203.
- (2) "Division" means the Division of Occupational and Professional Licensing created in Section 58-1-103, except as provided in:
 - (a) Part 4, State Fire Code Administration Act; and
 - (b) Chapter 5, State Fire Code Act.
- (3) "State Construction Code" means the State Construction Code adopted by:
 - (a) Chapter 2, Adoption of State Construction Code;
 - (b) Chapter 3, Statewide Amendments Incorporated as Part of State Construction Code; and
 - (c) Chapter 4, Local Amendments Incorporated as Part of State Construction Code.
- (4) "State Fire Code" means the State Fire Code adopted by Chapter 5, State Fire Code Act.
- (5) "Utah Code" means the Utah Code Annotated (1953), as amended.

Enacted by Chapter 14, 2011 General Session

15A-1-103. Formatting powers.

- (1) As part of the division's compliance with Section 15A-1-205, the division may modify the format of the State Construction Code to provide accessibility to users of the State Construction Code.
- (2) Consistent with Part 4, State Fire Code Administration Act, and Title 53, Chapter 7, Utah Fire Prevention and Safety Act, the State Fire Marshall Division under the direction of the board may modify the format of the State Fire Code to provide accessibility to users of the State Fire Code.

Enacted by Chapter 14, 2011 General Session

15A-1-104. Permit approval required -- Certificate of occupancy valid.

- (1) As used in this section:
 - (a) "Compliance agency" is as defined in Section 15A-1-202.
 - (b) "Project" is as defined in Section 15A-1-209.
- (2) A compliance agency for a political subdivision may not reject a permit, or otherwise withhold approval of a project whenever approval is required, for failure to comply with the applicable provisions of this title unless the compliance agency:
 - (a) cites with specificity the applicable provision with which the project has failed to comply; and
 - (b) describes how the project has failed to comply.

(3) If a compliance agency or a representative of a compliance agency issues a certificate of occupancy, the compliance agency may not withdraw the certificate of occupancy or exert additional jurisdiction over the elements of the project for which the certificate was issued unless additional changes or modifications requiring a building permit are made to elements of the project after the certificate was issued.

Enacted by Chapter 197, 2014 General Session

15A-1-201. Title.

This part is known as the "State Construction Code Administration Act."

Enacted by Chapter 14, 2011 General Session

15A-1-202. Definitions.

As used in this chapter:

(1) "Agricultural use" means a use that relates to the tilling of soil and raising of crops, or keeping or raising domestic animals.

(2) (a) "Approved code" means a code, including the standards and specifications contained in the code, approved by the division under Section 15A-1-204 for use by a compliance agency.

(b) "Approved code" does not include the State Construction Code.

(3) "Building" means a structure used or intended for supporting or sheltering any use or occupancy and any improvements attached to it.

(4) "Code" means:

(a) the State Construction Code; or

(b) an approved code.

(5) "Commission" means the Uniform Building Code Commission created in Section 15A-1-203.

(6) "Compliance agency" means:

(a) an agency of the state or any of its political subdivisions which issues permits for construction regulated under the codes; or

(b) any other agency of the state or its political subdivisions specifically empowered to enforce compliance with the codes; or

(c) any other state agency which chooses to enforce codes adopted under this chapter by authority given the agency under a title other than this part and Part 3, Factory Built Housing and Modular Units Administration Act.

(7) "Construction code" means standards and specifications published by a nationally recognized code authority for use in circumstances described in Subsection 15A-1-204(1), including:

(a) a building code;

(b) an electrical code;

(c) a residential one and two family dwelling code;

(d) a plumbing code;

(e) a mechanical code;

(f) a fuel gas code;

(g) an energy conservation code; and

- (h) a manufactured housing installation standard code.
- (8) "Legislative action" includes legislation that:
 - (a) adopts a new State Construction Code;
 - (b) amends the State Construction Code; or
 - (c) repeals one or more provisions of the State Construction Code.
- (9) "Local regulator" means a political subdivision of the state that is empowered to engage in the regulation of construction, alteration, remodeling, building, repair, and other activities subject to the codes.
- (10) "Not for human occupancy" means use of a structure for purposes other than protection or comfort of human beings, but allows people to enter the structure for:
 - (a) maintenance and repair; and
 - (b) the care of livestock, crops, or equipment intended for agricultural use which are kept there.
- (11) "Opinion" means a written, nonbinding, and advisory statement issued by the commission concerning an interpretation of the meaning of the codes or the application of the codes in a specific circumstance issued in response to a specific request by a party to the issue.
- (12) "State regulator" means an agency of the state which is empowered to engage in the regulation of construction, alteration, remodeling, building, repair, and other activities subject to the codes adopted pursuant to this chapter.

Enacted by Chapter 14, 2011 General Session

15A-1-203. Uniform Building Code Commission -- Unified Code Analysis Council.

- (1) There is created a Uniform Building Code Commission to advise the division with respect to the division's responsibilities in administering the codes.
- (2) The commission shall consist of 11 members as follows:
 - (a) one member shall be from among candidates nominated by the Utah League of Cities and Towns and the Utah Association of Counties;
 - (b) one member shall be a licensed building inspector employed by a political subdivision of the state;
 - (c) one member shall be a licensed professional engineer;
 - (d) one member shall be a licensed architect;
 - (e) one member shall be a fire official;
 - (f) three members shall be contractors licensed by the state, of which one shall be a general contractor, one an electrical contractor, and one a plumbing contractor;
 - (g) two members shall be from the general public and have no affiliation with the construction industry or real estate development industry; and
 - (h) one member shall be from the Division of Facilities Construction Management of the Department of Administrative Services.
- (3) (a) The executive director shall appoint each commission member after submitting a nomination to the governor for confirmation or rejection.
- (b) If the governor rejects a nominee, the executive director shall submit an alternative nominee until the governor confirms the nomination. An appointment is effective after the governor confirms the nomination.

(4) (a) Except as required by Subsection (4)(b), as terms of commission members expire, the executive director shall appoint each new commission member or reappointed commission member to a four-year term.

(b) Notwithstanding the requirements of Subsection (4)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.

(5) When a vacancy occurs in the commission membership for any reason, the executive director shall appoint a replacement for the unexpired term.

(6) (a) A commission member may not serve more than two full terms.

(b) A commission member who ceases to serve may not again serve on the commission until after the expiration of two years from the date of cessation of service.

(7) A majority of the commission members constitute a quorum and may act on behalf of the commission.

(8) A commission member may not receive compensation or benefits for the commission member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(9) (a) The commission shall annually designate one of its members to serve as chair of the commission.

(b) The division shall provide a secretary to facilitate the function of the commission and to record the commission's actions and recommendations.

(10) The commission shall:

(a) in accordance with Section 15A-1-204, report to the Business and Labor Interim Committee;

(b) offer an opinion regarding the interpretation of or the application of a code if a person submits a request for an opinion;

(c) act as an appeals board as provided in Section 15A-1-207;

(d) establish advisory peer committees on either a standing or ad hoc basis to advise the commission with respect to matters related to a code, including a committee to advise the commission regarding health matters related to a plumbing code; and

(e) assist the division in overseeing code-related training in accordance with Section 15A-1-209.

(11) A person requesting an opinion under Subsection (10)(b) shall submit a formal request clearly stating:

(a) the facts in question;

(b) the specific citation at issue in a code; and

(c) the position taken by the persons involved in the facts in question.

(12) (a) In a manner consistent with Subsection (10)(d), the commission shall jointly create with the Utah Fire Prevention Board an advisory peer committee known as the "Unified Code Analysis Council" to review fire prevention and construction code issues that require definitive and specific analysis.

(b) The commission and Utah Fire Prevention Board shall jointly, by rule made

in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for:

- (i) the appointment of members to the Unified Code Analysis Council; and
- (ii) procedures followed by the Unified Code Analysis Council.

Enacted by Chapter 14, 2011 General Session

15A-1-204. Adoption of State Construction Code -- Amendments by commission-- Approved codes -- Exemptions.

(1) (a) The State Construction Code is the construction codes adopted with any modifications in accordance with this section that the state and each political subdivision of the state shall follow.

(b) A person shall comply with the applicable provisions of the State Construction Code when:

- (i) new construction is involved; and
- (ii) the owner of an existing building, or the owner's agent, is voluntarily engaged in:

(A) the repair, renovation, remodeling, alteration, enlargement, rehabilitation, conservation, or reconstruction of the building; or

(B) changing the character or use of the building in a manner that increases the occupancy loads, other demands, or safety risks of the building.

(c) On and after July 1, 2010, the State Construction Code is the State Construction Code in effect on July 1, 2010, until in accordance with this section:

- (i) a new State Construction Code is adopted; or
- (ii) one or more provisions of the State Construction Code are amended or repealed in accordance with this section.

(d) A provision of the State Construction Code may be applicable:

- (i) to the entire state; or
- (ii) within a county, city, or town.

(2) (a) The Legislature shall adopt a State Construction Code by enacting legislation that adopts a construction code with any modifications.

(b) Legislation enacted under this Subsection (2) shall state that it takes effect on the July 1 after the day on which the legislation is enacted, unless otherwise stated in the legislation.

(c) Subject to Subsection (5), a State Construction Code adopted by the Legislature is the State Construction Code until, in accordance with this section, the Legislature adopts a new State Construction Code by:

- (i) adopting a new State Construction Code in its entirety; or
- (ii) amending or repealing one or more provisions of the State Construction Code.

(3) (a) The commission shall by no later than November 30 of each year recommend to the Business and Labor Interim Committee whether the Legislature should:

- (i) amend or repeal one or more provisions of a State Construction Code; or
- (ii) in a year of a regularly scheduled update of a nationally recognized code, adopt a construction code with any modifications.

(b) The commission may recommend legislative action related to the State Construction Code:

(i) on its own initiative;
(ii) upon the recommendation of the division; or
(iii) upon the receipt of a request by one of the following that the commission recommend legislative action related to the State Construction Code:

- (A) a local regulator;
- (B) a state regulator;
- (C) a state agency involved with the construction and design of a building;
- (D) the Construction Services Commission;
- (E) the Electrician Licensing Board;
- (F) the Plumbers Licensing Board; or
- (G) a recognized construction-related association.

(4) If the Business and Labor Interim Committee decides to recommend legislative action to the Legislature, the Business and Labor Interim Committee shall prepare legislation for consideration by the Legislature in the next general session that, if passed by the Legislature, would:

- (a) adopt a new State Construction Code in its entirety; or
- (b) amend or repeal one or more provisions of the State Construction Code.

(5) (a) Notwithstanding Subsection (3), the commission may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, amend the State Construction Code if the commission determines that waiting for legislative action in the next general legislative session would:

- (i) cause an imminent peril to the public health, safety, or welfare; or
- (ii) place a person in violation of federal or other state law.

(b) If the commission amends the State Construction Code in accordance with this Subsection (5), the commission shall file with the division:

- (i) the text of the amendment to the State Construction Code; and
- (ii) an analysis that includes the specific reasons and justifications for the commission's findings.

(c) If the State Construction Code is amended under this Subsection (5), the division shall:

(i) publish the amendment to the State Construction Code in accordance with Section 15A-1-205; and

(ii) notify the Business and Labor Interim Committee of the amendment to the State Construction Code, including a copy of the commission's analysis described in Subsection (5)(b).

(d) If not formally adopted by the Legislature at its next annual general session, an amendment to the State Construction Code under this Subsection (5) is repealed on the July 1 immediately following the next annual general session that follows the adoption of the amendment.

(6) (a) The division, in consultation with the commission, may approve, without adopting, one or more approved codes, including a specific edition of a construction code, for use by a compliance agency.

(b) If the code adopted by a compliance agency is an approved code described in Subsection (6)(a), the compliance agency may:

- (i) adopt an ordinance requiring removal, demolition, or repair of a building;
- (ii) adopt, by ordinance or rule, a dangerous building code; or
- (iii) adopt, by ordinance or rule, a building rehabilitation code.

(7) (a) Except as provided in Subsection (7)(b), a structure used solely in conjunction with agriculture use, and not for human occupancy, is exempt from the permit requirements of the State Construction Code.

(b) (i) Unless exempted by a provision other than Subsection (7)(a), a plumbing, electrical, and mechanical permit may be required when that work is included in a structure described in Subsection (7)(a).

(ii) Unless located in whole or in part in an agricultural protection area created under Title 17, Chapter 41, Agriculture and Industrial Protection Areas, a structure described in Subsection (7)(a) is not exempt from a permit requirement if the structure is located on land that is:

(A) within the boundaries of a city or town, and less than five contiguous acres; or

(B) within a subdivision for which the county has approved a subdivision plat under Title 17, Chapter 27a, Part 6, Subdivisions, and less than two contiguous acres.

(8) A structure that is no more than 1,000 square feet and is used solely for the type of sales described in Subsection 59-12-104(20) is exempt from the permit requirements described in:

- (a) Chapter 2, Adoption of State Construction Code;
- (b) Chapter 3, Statewide Amendments Incorporated as Part of State Construction Code; and
- (c) Chapter 4, Local Amendments Incorporated as Part of State Construction Code.

Amended by Chapter 178, 2014 General Session

Amended by Chapter 189, 2014 General Session

15A-1-205. Division duties.

(1) (a) The division shall administer the codes adopted or approved under Section 15A-1-204 pursuant to this chapter.

(b) Notwithstanding Subsection (1)(a), the division has no responsibility to:

- (i) conduct inspections to determine compliance with the codes;
- (ii) issue permits; or
- (iii) assess building permit fees.

(2) As part of the administration of the codes, the division shall:

- (a) comply with Section 15A-1-206;
- (b) schedule appropriate hearings;
- (c) maintain and publish for reference:
 - (i) the current State Construction Code; and
 - (ii) any approved code; and
- (d) publish the opinions of the commission with respect to interpretation and application of the codes.

Enacted by Chapter 14, 2011 General Session

15A-1-206. Code amendment process.

(1) The division, in consultation with the commission, shall establish by rule the procedure under which a request that the commission recommend legislative action is to be:

- (a) filed with the division;
- (b) reviewed by the commission; and
- (c) addressed by the commission in the commission's report to the Business and Labor Interim Committee required by Section 15A-1-204.

(2) The division shall accept a request that the commission recommend legislative action in accordance with Section 15A-1-204 from:

- (a) a local regulator;
- (b) a state regulator;
- (c) a state agency involved with the construction and design of a building;
- (d) the Construction Services Commission;
- (e) the Electrician Licensing Board;
- (f) the Plumbers Licensing Board; or
- (g) a recognized construction-related association.

(3) (a) If one or more requests are received in accordance with this section, the division shall hold at least one public hearing before the commission concerning the requests.

(b) The commission shall conduct a public hearing under this Subsection (3) in accordance with the rules of the commission, which may provide for coordinating the public hearing with a meeting of the commission.

(c) After a public hearing described in this Subsection (3), the commission shall prepare a written report of its recommendations made on the basis of the public hearing. The commission shall include the information in the written report prepared under this Subsection (3)(c) in the commission's report to the Business and Labor Interim Committee under Section 15A-1-204.

(4) In making rules required by this chapter, the division shall comply with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 14, 2011 General Session

15A-1-207. Compliance with codes -- Responsibility for inspections -- Appeals.

(1) The compliance agency having jurisdiction over the project and the applicable codes has the responsibility for inspection of construction projects and enforcement of compliance with the codes.

(2) A compliance agency shall furnish in writing to the division a finding by the compliance agency that a licensed contractor, electrician, or plumber has materially violated a code in a manner to jeopardize the public health, safety, and welfare and failed to comply with corrective orders of the compliance agency. A compliance agency shall conduct a primary investigation to determine that, in fact, there has been a material violation of a code jeopardizing the public interest and provide the report of investigation to the division.

(3) (a) A compliance agency shall establish a method of appeal by which a

person disputing the application and interpretation of a code may appeal and receive a timely review of the disputed issues in accordance with the codes.

(b) If a compliance agency refuses to establish a method of appeal, the commission shall act as the appeals board and conduct a hearing within 45 days. The findings of the commission are binding.

(4) An appeals board established under this section may not:

(a) interpret the administrative provisions of a code; or

(b) waive a requirement of a code.

Enacted by Chapter 14, 2011 General Session

15A-1-208. Standards for specialized buildings.

(1) This chapter may not be implied to repeal or otherwise affect the authority granted to a state agency to make or administer standards for specialized buildings, as provided in:

(a) Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act;

(b) Title 26, Chapter 39, Utah Child Care Licensing Act;

(c) Title 62A, Chapter 2, Licensure of Programs and Facilities;

(d) Title 64, Chapter 13, Department of Corrections - State Prison; or

(e) another statute that grants a state agency authority to make or administer other special standards.

(2) If a special standard conflicts with a code, the special standard prevails.

(3) This chapter does not apply to the administration of the statutes described in Subsection (1).

Enacted by Chapter 14, 2011 General Session

15A-1-209. Building permit requirements.

(1) As used in this section, "project" means a "construction project" as defined in Section 38-1a-102.

(2) (a) The division shall develop a standardized building permit numbering system for use by any compliance agency in the state that issues a permit for construction.

(b) The standardized building permit numbering system described under Subsection (2)(a) shall include a combination of alpha or numeric characters arranged in a format acceptable to the compliance agency.

(c) A compliance agency issuing a permit for construction shall use the standardized building permit numbering system described under Subsection (2)(a).

(d) A compliance agency may not use a numbering system other than the system described under Subsection (2)(a) to define a building permit number.

(3) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall adopt a standardized building permit form by rule.

(b) The standardized building permit form created under this Subsection (3) shall include fields for indicating the following information:

(i) the name and address of the owner of each parcel of property on which the project will occur;

- (ii) the name and address of the contractor for the project;
 - (iii) (A) the address of the project; or
(B) a general description of the project;
 - (iv) the county in which the property on which the project will occur is located;
 - (v) the tax parcel identification number of each parcel of the property; and
 - (vi) whether the permit applicant is an original contractor or owner-builder.
- (c) The standardized building permit form created under this Subsection (3) may include any other information the division considers useful.
- (d) A compliance agency shall issue a permit for construction only on a standardized building permit form approved by the division.
- (e) A permit for construction issued by a compliance agency under Subsection (3)(d) shall print the standardized building permit number assigned under Subsection (2) in the upper right-hand corner of the building permit form in at least 12-point font.
- (f) (i) Except as provided in Subsection (3)(f)(ii), a compliance agency may not issue a permit for construction if the information required by Subsection (3)(b) is not completed on the building permit form.
- (ii) If a compliance agency does not issue a separate permit for different aspects of the same project, the compliance agency may issue a permit for construction without the information required by Subsection (3)(b)(vi).
- (g) A compliance agency may require additional information for the issuance of a permit for construction.
- (4) A local regulator issuing a single-family residential building permit application shall include in the application or attach to the building permit the following notice prominently placed in at least 14-point font: "Decisions relative to this application are subject to review by the chief executive officer of the municipal or county entity issuing the single-family residential building permit and appeal under the International Residential Code as adopted by the Legislature."
- (5) (a) A compliance agency shall:
- (i) charge a 1% surcharge on a building permit it issues; and
 - (ii) transmit 80% of the amount collected to the division to be used by the division in accordance with Subsection (5)(c).
- (b) The portion of the surcharge transmitted to the division shall be deposited as a dedicated credit.
- (c) The division shall use the money received under this Subsection (5) to provide education:
- (i) regarding the codes and code amendments that under Section 15A-1-204 are adopted, approved, or being considered for adoption or approval; and
 - (ii) to:
 - (A) building inspectors; and
 - (B) individuals engaged in construction-related trades or professions.

Amended by Chapter 278, 2012 General Session

15A-1-210. Review of building inspection.

(1) As used in this section, "International Residential Code" means the International Residential Code as adopted under the State Construction Code.

(2) Subject to Subsection (3), a city or county shall, by ordinance, provide for review of an inspection conducted by the city's or county's building inspector for a single-family residential building permit.

(3) Upon request by a person seeking a single-family residential building permit, a chief executive officer of the municipality or county issuing the single-family residential building permit, or the chief executive officer's designee, shall, with reasonable diligence, review an inspection described in Subsection (2) to determine whether the inspection constitutes a fair administration of the State Construction Code.

(4) A review described in this section:

(a) is separate and unrelated to an appeal under the International Residential Code;

(b) may not be used to review a matter that may be brought by appeal under the International Residential Code;

(c) may not result in the waiver or modification of an International Residential Code requirement or standard;

(d) may not conflict with an appeal, or the result of an appeal, under the International Residential Code; and

(e) does not prohibit a person from bringing an appeal under the International Residential Code.

(5) A person who seeks a review described in this section may not be prohibited by preclusion, estoppel, or otherwise from raising an issue or bringing a claim in an appeal under the International Residential Code on the grounds that the person raised the issue or brought the claim in the review described in this section.

Enacted by Chapter 14, 2011 General Session

15A-1-301. Title.

This part is known as "Factory Built Housing and Modular Units Administration Act."

Enacted by Chapter 14, 2011 General Session

15A-1-302. Definitions.

As used in this part:

(1) "Compliance agency" is as defined in Section 15A-1-202.

(2) "Factory built housing" means a manufactured home or mobile home.

(3) "Factory built housing set-up contractor" means an individual licensed by the division to set up or install factory built housing on a temporary or permanent basis.

(4) "HUD Code" means the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. Sec. 5401 et seq.

(5) "Local regulator" is as defined in Section 15A-1-202.

(6) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the HUD Code, in one or more sections, that:

(a) in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet; and

(b) is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(7) "Mobile home" means a transportable factory built housing unit built before June 15, 1976, in accordance with a state mobile home code which existed prior to the HUD Code.

(8) "Modular unit" means a structure:

(a) built from sections that are manufactured in accordance with the State Construction Code and transported to a building site; and

(b) the purpose of which is for human habitation, occupancy, or use.

(9) "State regulator" is as defined in Section 15A-1-202.

Enacted by Chapter 14, 2011 General Session

15A-1-303. Factory built housing units.

(1) (a) A manufactured home constructed, sold, or setup in the state shall be constructed in accordance with the HUD Code.

(b) A manufactured home setup in the state shall be installed in accordance with the provisions of the State Construction Code applicable to manufactured housing installation.

(c) A local regulator subdivision has the authority and responsibility to issue a building permit for the modification or setup of a manufactured home within that political subdivision.

(d) A local regulator shall conduct the inspection of a modification to or the setup of a manufactured home and give an approval within the political subdivision in which the modification or setup takes place.

(e) A manufactured home constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

(2) (a) A mobile home sold or setup in the state shall be constructed in accordance with the portions of the State Construction Code applicable to a mobile home at the time the mobile home was constructed.

(b) A mobile home setup in the state shall be installed in accordance with the portions of the State Construction Code applicable to manufactured housing installation.

(c) A local regulator has the authority and responsibility to issue a building permit for the setup of a mobile home within that political subdivision.

(d) A local regulator shall conduct the inspection of a modification to or the setup of a mobile home and give the approvals given by the local regulator within the political subdivision in which the modification or setup takes place.

Enacted by Chapter 14, 2011 General Session

15A-1-304. Modular units.

Modular unit construction, setup, issuance of permits for construction or setup,

and setup shall be in accordance with the following:

- (1) Construction and setup of a modular unit shall be in accordance with the State Construction Code.
- (2) A local regulator has the responsibility and authority for plan review and issuance of permits for construction, modification, or setup for the political subdivision in which the modular unit is to be setup;
- (3) An inspection of the construction, modification of, or setup of a modular unit shall conform with this chapter.
- (4) A local regulator has the responsibility to issue an approval for the political subdivision in which a modular unit is to be setup or is setup.
- (5) Nothing in this section precludes:
 - (a) a local regulator from contracting with a qualified third party for the inspection or plan review provided in this section; or
 - (b) the state from entering into an interstate compact for third party inspection of the construction of a modular unit.

Enacted by Chapter 14, 2011 General Session

15A-1-305. Modification of factory built housing units and modular units.

- (1) A modification to a factory built housing unit shall be made in accordance with the following:
 - (a) Modification to a manufactured home or mobile home before installation or setup of the unit for habitation shall be made in accordance with the HUD Code.
 - (b) (i) Modification to a manufactured home or mobile home after installation or setup of the unit for habitation shall be made in accordance with the HUD Code if the modification does not include the addition of any space to the existing unit or the attachment of any structure to the existing unit.
 - (ii) If a modification to a manufactured home or mobile home after installation or setup for the unit for habitation includes the addition of any space to the existing unit or the attachment of any structure to the unit, the modification shall be made as follows:
 - (A) modifications to the existing unit shall be in accordance with the HUD Code; and
 - (B) additional structure outside of the existing unit shall be in accordance with this chapter.
- (2) A modification to a modular housing unit shall be made in accordance with this chapter.

Enacted by Chapter 14, 2011 General Session

15A-1-306. Factory built housing and modular units -- Division responsibility -- Unlawful conduct.

- (1) The division:
 - (a) shall maintain current information on the HUD Code and the portions of the State Construction Code relevant to manufactured housing installation and will provide at reasonable cost the information to compliance agencies, local regulators, or state regulators requesting such information;

(b) shall provide qualified personnel to advise compliance agencies, local regulators, and state regulators regarding the standards for construction and setup, construction and setup inspection, and additions or modifications to factory built housing;

(c) is designated as the state administrative agency for purposes of the HUD Code;

(d) may inspect factory built housing units in the state during the construction process to determine compliance of the manufacturer with this chapter for those units to be installed within the state, and upon a finding of substantive deficiency, issue a corrective order to the manufacturer and provide a copy of the order to the local regulator in the state's political subdivision where the unit is to be installed;

(e) shall have rights of entry and inspection as specified under the HUD Code; and

(f) shall implement by rule a continuing education requirement for manufactured housing installation contractors.

(2) The division may assess civil penalties payable to the state for violation of the HUD Code in an amount identical to those set forth in Section 611 of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Sec. 5410.

(3) The state may impose criminal sanctions for violations of the HUD Code identical to those set forth in Section 611 of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Sec. 5410, provided that if the criminal sanction is a fine, the fine shall be payable to the state.

Amended by Chapter 262, 2013 General Session

15A-1-401. Title.

This part is known as the "State Fire Code Administration Act."

Enacted by Chapter 14, 2011 General Session

15A-1-402. Definitions.

As used in this part:

(1) "Division" means the State Fire Marshal Division created in Section 53-7-103.

(2) "Legislative action" includes legislation that:

(a) adopts a State Fire Code;

(b) amends a State Fire Code; or

(c) repeals one or more provisions of a State Fire Code.

Enacted by Chapter 14, 2011 General Session

15A-1-403. Adoption of State Fire Code.

(1) (a) The State Fire Code is:

(i) a code promulgated by a nationally recognized code authority that is adopted by the Legislature under this section with any modifications; and

(ii) a code to which cities, counties, fire protection districts, and the state shall adhere in safeguarding life and property from the hazards of fire and explosion.

(b) On and after July 1, 2010, the State Fire Code is the State Fire Code in effect on July 1, 2010, until in accordance with this section:

(i) a new State Fire Code is adopted; or

(ii) one or more provisions of the State Fire Code are amended or repealed in accordance with this section.

(c) A provision of the State Fire Code may be applicable:

(i) to the entire state; or

(ii) within a city, county, or fire protection district.

(2) (a) The Legislature shall adopt a State Fire Code by enacting legislation that adopts a nationally recognized fire code with any modifications.

(b) Legislation enacted under this Subsection (2) shall state that it takes effect on the July 1 after the day on which the legislation is enacted, unless otherwise stated in the legislation.

(c) Subject to Subsection (5), a State Fire Code adopted by the Legislature is the State Fire Code until in accordance with this section the Legislature adopts a new State Fire Code by:

(i) adopting a new State Fire Code in its entirety; or

(ii) amending or repealing one or more provisions of the State Fire Code.

(3) (a) The board shall, by no later than November 30 of each year, recommend to the Business and Labor Interim Committee whether the Legislature should:

(i) amend or repeal one or more provisions of the State Fire Code; or

(ii) in a year of a regularly scheduled update of a nationally recognized fire code, adopt with any modifications the nationally recognized fire code.

(b) The board may recommend legislative action related to the State Fire Code:

(i) on its own initiative; or

(ii) upon the receipt of a request by a city, county, or fire protection district that the board recommend legislative action related to the State Fire Code.

(c) Within 45 days after receipt of a request under Subsection (3)(b), the board shall direct the division to convene an informal hearing concerning the request.

(d) The board shall conduct a hearing under this section in accordance with the rules of the board.

(e) The board shall decide whether to include in the report required under Subsection (3)(a) whether to recommend the legislative action raised by a request.

(f) Within 15 days following the completion of a hearing of the board under this Subsection (3), the board shall direct the division to notify the entity that made the request of the board's decision regarding the request. The division shall provide the notice:

(i) in writing; and

(ii) in a form prescribed by the board.

(4) If the Business and Labor Interim Committee decides to recommend legislative action to the Legislature, the Business and Labor Interim Committee shall prepare legislation for consideration by the Legislature in the next general session that, if passed by the Legislature, would:

(a) adopt a new State Fire Code in its entirety; or

(b) amend or repeal one or more provisions of the State Fire Code.

(5) (a) Notwithstanding Subsection (3), the board may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, amend a State Fire Code if the board determines that waiting for legislative action in the next general legislative session would:

(i) cause an imminent peril to the public health, safety, or welfare; or

(ii) place a person in violation of federal or other state law.

(b) If the board amends a State Fire Code in accordance with this Subsection (5), the board shall:

(i) publish the State Fire Code with the amendment; and

(ii) notify the Business and Labor Interim Committee of the adoption, including a copy of an analysis by the board identifying specific reasons and justifications for its findings.

(c) If not formally adopted by the Legislature at its next annual general session, an amendment to a State Fire Code adopted under this Subsection (5) is repealed on the July 1 immediately following the next annual general session that follows the adoption of the amendment.

(6) (a) A legislative body of a political subdivision may enact an ordinance that is more restrictive in its fire code requirements than the State Fire Code:

(i) in order to meet a public safety need of the political subdivision; and

(ii) subject to the requirements of this Subsection (6).

(b) A legislative body of a political subdivision that enacts an ordinance under this section on or after July 1, 2010 shall:

(i) notify the board in writing at least 30 days before the day on which the legislative body enacts the ordinance and include in the notice a statement as to the proposed subject matter of the ordinance; and

(ii) after the legislative body enacts the ordinance, report to the board before the board makes the report required under Subsection (6)(c), including providing the board:

(A) a copy of the ordinance enacted under this Subsection (6); and

(B) a description of the public safety need that is the basis of enacting the ordinance.

(c) The board shall submit to the Business and Labor Interim Committee each year with the recommendations submitted in accordance with Subsection (3):

(i) a list of the ordinances enacted under this Subsection (6) during the fiscal year immediately proceeding the report; and

(ii) recommendations, if any, for legislative action related to an ordinance enacted under this Subsection (6).

(d) (i) The state fire marshal shall keep an indexed copy of an ordinance enacted under this Subsection (6).

(ii) The state fire marshal shall make a copy of an ordinance enacted under this Subsection (6) available on request.

(e) The board may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish procedures for a legislative body of a political subdivision to follow to provide the notice and report required under this Subsection (6).

Enacted by Chapter 14, 2011 General Session